

## **REMARKS**

Responsive to the Office Action mailed on August 6, 2007 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

### Present Status of Application

Claims 1-4, 6-11, 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi et al (US 2002/0094841, hereinafter "Sakaguchi") in view of Learmonth et al (US 6,075,706, hereinafter "Learmonth"). In a previous Office action, claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi in view of Learmonth and in further view of Kao et al (US 2003/0227763, hereinafter "Kao"). Claims 20-23 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

In this paper, claims 1 and 10 are amended to include the limitations of claims 22 and 23, respectively. Claims 7, 17 and 18 are amended to correspond with the amendments to claims 1 and 10. Claims 8, 22 and 23 are canceled. Thus, on entry of this amendment, claims 1-7 and 9-21 remain in the application.

Insofar as this amendment places the application in condition for allowance and requires only a cursory review by the examiner, it is believed to be proper under 37 CFR 1.116. MPEP 714.12.

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

### Allowable Subject Matter

Applicant thanks the Examiner for his indication in the Office Action that claims 20-23 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Appl. No. 10/738,430  
Examiner: BALAOING, ARIEL A, Art Unit 2617  
In response to the Office Action dated June 12, 2007

Date: August 6, 2007  
Attorney Docket No. 10113501

Claims 1 and 10 as amended include all of the limitations of claims 22 and 23, and for at least this reason are believed to be in condition for allowance. Furthermore, insofar as the remaining claims depend from one of claims 1 or 10, and therefore include all of the limitations of claim 1 or 10, they also believed to be allowable.

Non-entry of "Substitute Specification"

The Office action states that the "substitute specification filed 04/04/2007 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: a substitute specification ... must be accompanied by a statement that the substitute specification includes no new matter."

Applicant first notes that the amendment filed on April 4, 2007 did not include a substitute specification under 37 CFR 1.125. Rather, an amendment to the specification was filed. Furthermore, Applicant notes that on page 8, line 5 of the amendment, it is stated that "[n]o new matter is added by this amendment."

Entry of the amendment to the specification filed on April 4, 2007 is respectfully requested.

Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so. The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to Deposit Account No. **502447**.

Respectfully submitted,

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